

FREDERIC B. CLARK, IV,

Plaintiff,

vs.

WELLS FARGO BANK, N.A. and
ANDREA MURPHY,

Defendants.

THIS MATTER is before the Court on the Defendants' Motions to Dismiss [Docs. 8, 12].

The facts, legal issues, and causes of action asserted by the parties in the present matter are substantially similar to those in the case of Beritelli, et al. v. Wells Fargo Bank, N.A., et al., No. 1:11-cv-00179-MR (W.D.N.C.), and the same attorneys appear on behalf of the Plaintiffs in both actions. Even though these cases have not been consolidated, and were in fact previously severed [see Civil Case No. 1:11-cv-00179-MR, Doc. 83], the decision of this Court in the Order previously entered in Beritelli addresses and disposes of all of the issues raised by the motions

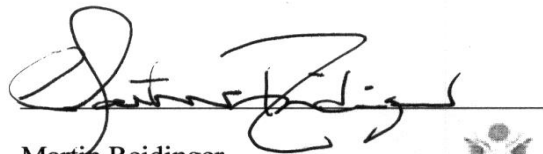
currently before the Court in this matter. The Order in Beritelli, therefore, is incorporated herein, and the current motions will be disposed of in accord therewith.

ORDER

IT IS, THEREFORE ORDERED that the Defendants' Motions to Dismiss [Docs. 8, 12] are **GRANTED IN PART** and **DENIED IN PART**. Specifically, with respect to the Plaintiff's claim for negligent misrepresentation, the Motions to Dismiss [Docs. 8, 12] are **GRANTED** and this claim is **DISMISSED**. In all other respects, the Motions to Dismiss [Docs. 8, 12] are **DENIED**.

IT IS SO ORDERED.

Signed: September 30, 2013


Martin Reidinger
United States District Judge

